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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/923,328
Filing Date: August 08, 2001
Appellant(s): SIMPSON, SHELL S.

Jack H. McKinney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 21, 2007 appealing from the Office action mailed July 5, 2006.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

Amendment after final was filed.

(5) *Summary of Claimed Subject Matter*

The summary of the claimed subject matter is contained in the brief.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treptow et al (U.S. Pub 20002/0138564 A1) in view of Lahey et al (U.S. Pub

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2005/0228711 A1). This rejection is set forth in a prior office action, mailed on July 5, 2006.

(7) Claims Appendix

The copy of the appealed claims contained in the appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Pub 20002/0138564 A1	Treptow et al.	09-2002
U.S. Pub 2005/0228711 A1	Lahey et al	10-2005

(9) Grounds of Rejection

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treptow et al (U.S. Pub No. 2002/0138564 A1) and Lahey et al (U.S. Pub No. 2005/0228711A1).

3. As per claims 1, 5, 14, 18, 19, 20, 24, 33 & 37 Treptow disclosed a method for monitoring a web-based service, comprising the steps of: receiving automatically at a client a service reference to a status of a job in a network service (paragraphs 19-23, 41, 59 & 62), adding the service reference to a bookmark list on the client (paragraph. 88); determining the status of the job; and removing automatically the service reference from the bookmark list when the job is completed by the network service, wherein the determining step comprises receiving a message from the service indicating an event (paragraph. 82, 88 & 89). However Treptow did not explicitly disclose wherein the removing step includes the step of automatically removing the service reference if no message indicating an event is received from the network service for a predetermined period of time.

In the same field of endeavor Lahey disclosed wherein the removing step includes the step of automatically removing the service reference if no message indicating an event is received from the network service for a predetermined period of time (paragraph. 77). It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the removal of service reference (job status information) if no message indicating an event is received as disclosed by Lahey in the method of monitoring a web-based service as disclosed by Treptow in order to upgrade the status of the service reference resulting in a most up to date and pertinent information regarding the status of the jobs to the user.

4. As per claims 2 & 21 Treptow-Lahey disclosed the method as defined in claim 1, wherein the network service is a printer service, and the job is a print job (Treptow, paragraphs. 9 & 41).

5. As per claims 3 & 22 Treptow-Lahey disclosed the method as defined in claim 1, wherein the service reference is a URL to a status page for the network service (Treptow, paragraphs 86 & 87).

6. As per claims 4 & 23 Treptow-Lahey disclosed the method as defined in claim 1, wherein the service reference is provided when the network service is accessed (Treptow, paragraphs.41, 59).

7. As per claims 6 & 25 Treptow-Lahey disclosed the method as defined in claim 5, wherein the bookmark list is maintained within a user profile in the user's personal imaging repository (Treptow, paragraphs 62, 81 & 82).

8. As per claims 7 & 26 Treptow-Lahey disclosed the method as defined in claim 1, further comprising the step of determining the status of the job (Treptow, paragraphs.41& 59).

9. As per claims 8 & 27 Treptow-Lahey disclosed the method as defined in claim 7, wherein the determining step comprises querying the network service to determine if a job impediment has occurred (Treptow, paragraph.85).

10. As per claims 9 & 28 Treptow-Lahey disclosed the method as defined in claim 7, wherein the determining step comprises querying the network service to determine an indication of what amount of the job is complete (Treptow, paragraph.84).

11. As per claims 10 & 29 Treptow-Lahey disclosed the method as defined in claim 7, wherein the determining step comprises receiving a message from the network service indicating an event (Treptow, paragraphs.53 & 62).

12. As per claims 11 & 30 Treptow-Lahey disclosed the method as defined in claim 10, wherein the receiving a message step comprises receiving the message at a bookmark management software (Treptow, paragraphs.36, 37 & 70).

13. As per claims 12 & 31 Treptow-Lahey disclosed the method as defined in claim 10, wherein the receiving a message step comprises receiving a message of one or more of the following: print job completed, copies printed, and error (Treptow, paragraphs.20 & 61).

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14. As per claims 13 & 32 Treptow-Lahey disclosed the method as defined 1, further comprising storing the service reference to a storage associated with the user (Treptow, paragraph.60).

15. As per claims 15 & 34 Treptow-Lahey disclosed the method as defined in claim 14, further comprising the step of adding a plurality of clickable references to be displayed on a user screen, each clickable reference associated with a different service reference for opening a different status web page having information about the status of its respective job (Treptow, paragraphs 86, 87 & 89).

16. As per claims 16 & 35 Treptow-Lahey disclosed the method as defined in claim 1, further comprising the step of adding a window associated with the network service to a user screen to display therein a status web page with direct or indirect information about the status of at least one job (Treptow, paragraphs 71, 86, 87 & 89).

17. As per claims 17 & 36 Treptow-Lahey disclosed the method as defined in claim 1, wherein the bookmark list lists only job status service references (Treptow, paragraphs. 70, 81 & 82).

(10) Response to Arguments

The applicant argues the following issues regarding claims 1-37 to support his position against the prior arts Treptow et al (U.S. Pub 20002/0138564 A1) and Lahey et al (U.S. Pub 2005/0228711 A1).

(A) Rejection under 35 U.S.C 103(a) with regards to claims 1-37

Issue 1: The appellant (on page 7) alleges that Treptow fails to teach or suggest, “receiving automatically at a client a service reference to a status of a job in a network service or adding the service reference to the bookmark list on the client” as claimed in claim 1.

Appellant’s specification merely uses the word “automatically” but is silent about what factors or component make the function automatic. Treptow discloses a web based monitoring service (Page.2 paragraph.15 & figure.5) in which a service reference (i.e. job status link indicator) with respect to the status of a job/task (e.g. print job, scanning job, mailing job etc) is received and added tot eh bookmark list (I.E list). As the status of the job/task is changed (e.g. job completed etc) the service reference to the status of the job is reflected in the bookmark list (I.E. list) (Page.2. paragraphs 19-23 & figure.13). Treptow on page.3, paragraph.41 states “Job status” This refers to the status of a job request that indicates the current progress of the request processing. It is a mechanism to help users understand that status of their job requests and to help the systems administrators to administer them.” On the aspect of “receiving automatically at a client

a service reference to the status of the job”, Treptow on page.9, paragraph 105 states “Status CGI-script 204 is used to provide web page print status information by retrieving the progress information from the database and generating appropriate HTML to cause the progress information to be displayed in the web page, such as shown in web page 166 of **figure 5**.” Examiner respectfully asserts that it is evident from the cited disclosure that Treptow discloses procedure of receiving a service reference to the status of the job at a client is in fact an automatic procedure based on the “Status CGI-Script” program.

Issue 2: The appellant (on page 7) referenced paragraphs 180 & 181 and alleged that Treptow does not disclose that the bookmark list is on the client as claimed in claim 1.

Treptow discloses a web based monitoring service (Page.2 paragraph.15 & **figure.5**) in which a service reference (i.e. job status link indicator) with respect to the status of a job/task (e.g. print job, scanning job, mailing job etc) is received and added tot eh bookmark list (I.E list). As the status of the job/task is changed (e.g. job completed etc) the service reference to the status of the job is reflected in the bookmark list (I.E. list) (Page.2. paragraphs 19-23 & **figure.13**). Treptow on page.3, paragraph.41 states “Job status” This refers to the status of a job request that indicates the current progress of

the request processing. It is a mechanism to help users understand that status of their job requests and to help the systems administrators to administer them.”

Treptow on page 4, paragraph 58 states “Consumer Web pages 110 provide the user interface for consumers users (I.E, operators of the operating devices) via browsers operating ton the operating devices. In one embodiment, the consumer web page comprise standers HTML web pages that are viewed by the web browser.” Examiner notes that the consumer’s/user’s ability view the status of the job/task list on their operating device is evident enough that the job/task status is on the client device. Additionally examiner notes that appellant’s “bookmark list” is basically a “list” of jobs/tasks associated with a user, which is displayed on a browser at client’s device. By merely calling a “job/task list” a “bookmark list” does not entitle appellants invention to be patentable.

Issue 3: **The appellant (on page. 8) alleges that that Treptow fails to teach or suggest, “receiving automatically at a client s service reference to a status of a job in a network service or adding the service reference to the bookmark list as claimed in claims 5, 14, 18 & 19.**

Appellant’s specification merely uses the word “automatically” but is silent about what factors or component make the function automatic. Treptow discloses a web based monitoring service (Page.2 paragraph.15 & **figure.5**) in which a service reference (i.e. job status link indicator) with respect to the status of a job/task (e.g. print job, scanning

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job, mailing job etc) is received and added to the bookmark list (I.E list). As the status of the job/task is changed (e.g. job completed etc) the service reference to the status of the job is reflected in the bookmark list (I.E. list) (Page.2. paragraphs 19-23 & figure.13). Treptow on page.3, paragraph.41 states "Job status: This refers to the status of a job request that indicates the current progress of the request processing. It is a mechanism to help users understand that status of their job requests and to help the systems administrators to administer them." On the aspect of "receiving automatically at a client a service reference to the status of the job", Treptow on page.9, paragraph 105 states "Status CGI-script 204 is used to provide web page print status information by retrieving the progress information from the database and generating appropriate HTML to cause the progress information to be displayed in the web page, such as shown in web page 166 of **figure 5**." Examiner respectfully asserts that it is evident from the cited disclosure that Treptow discloses a procedure of receiving a service reference with respect to the status of the job at a client is in fact an automatic procedure based on the "Status CGI-Script" program.

Issue 4: The appellant (on page. 9) alleges that the examiner fails to address the explicit use of "personal imaging repository". Appellant further further argues that neither Treptow nor Lahey mentions a personal imaging repository in an autonomous network service let alone receiving a service reference in a personal imaging repository or adding a service reference to a bookmark list in a personal imaging repository as described in paragraph 61 of appellant's specification.

Appellant (on page 9 of appeal brief) regarding "personal imaging repository" cites Paragraph 61 of the specification which states "Personal imaging repository" A personal imaging repository is a conceptual term describing the exchange infrastructure used to exchange graphics composition and graphics data with web services. Users are associated with their graphics data through user profiles. It should be noted that the personal imaging repository can represent any type of or combination of data storage devices." Treptow discloses a consumer web page composed of graphic information (GUI) (figure. 13), which represents job/task status information related to a specific user. One in the ordinary skill in the art knows that any web page is stored in a Random Access memory (RAM) of the client's device first before being displayed to the client's/users viewing device (monitor). Therefore RAM falls under the vague explanation "any type of or combination of data storage device" as disclosed by the applicant in his specification cited above.

Issue 5: **The appellant (on page. 10) alleges that rejections of claims 1-37 are improper as examiner has failed to establish a prima facie case of obviousness under 35 USC 103.**

As to appellants argument the examiner has described the case for prima facie case of obviousness under 35 USC 103 in the final office action dated July 5, 2006. Additionally the appellant is merely alleging that claims 1-37 are improper because the examiner

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has failed to establish a prima facie case of obviousness under 35 USC 103. However the appellant has not provided any reasoning as to why it should not be obvious to combine the two references to anticipate appellant's invention.

Issue 6: **The appellant alleges that all of the dependent claims are patentable for at least the same reasons as independent claims patentable which the appellant addressed for the independent claims.**

As to appellants argument all of the dependent claims are not patentable for the same reasons as provided by the examiner for the independent claims in response to appellant's arguments in the appeal brief.

(11) Related Proceedings Appendix


None.

Respectfully submitted,




Asghar Bilgrami
Patent Examiner
Art Unit 2143
June 29, 2007

Conferees



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100